

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:14-CV-00132-FDW

JENNIE THOMAS,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Commissioner of Social Security

Defendant.

ORDER

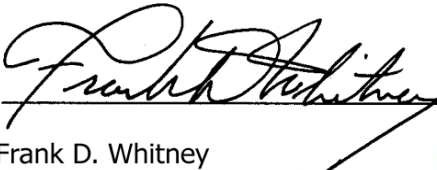
THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney Fees. (Doc. No. 16). Defendant confirmed consent to Plaintiff's Motion on August 23, 2016. (Doc. No. 17). Upon review of Plaintiff's Motion and supporting materials, Defendant's consent, and for the reasons set forth below, the Motion is GRANTED.

Pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee. Plaintiff's counsel seeks attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$10,750.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$3,977.50. (Doc. No. 15).

It is therefore ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$10,750.00 from Plaintiff's past due benefits, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED.

Signed: October 12, 2016


Frank D. Whitney
Chief United States District Judge

